

REMARKS

Claims 62-161 are currently pending. Claims 62, 66-68, 71, 74, 80, 81, 87, 88, 90-104, 106-108, 110-113, 115, 117, 118, 121, 123 and 124 are currently withdrawn from consideration as directed to a non-elected invention. Claims 1-65, 69, 70, 72, 73, 75-79, 82-86, 89, 109, 114, 116, 119, 120, 122, and 126-130 are cancelled. Applicants reserve the right to prosecute the non-elected or cancelled claims in a divisional application claiming priority hereto. Claims 93 and 95-107 are amended to correct the dependency. New claims 131-161 are currently added. Support can be found, for example in the original claims. Support for new claims 151 and 152 can be found, for example, in the specification on page 14, lines 12-13; and page 19, lines 17-20. Support for new claim 153 can be found, for example, in the specification on page 19, lines 11-12 and FIGS 5a-c. Support for new claim 155 can be found, for example, in the specification on page 15, lines 1-2. Claim 125 has been amended and support for this amendment can be found, for example, in the original claims and support for the amendment of "integrally formed on" may be found, for example, in the specification on page 14, line 28. No new matter is added.

Restriction/Election

In the Office Action of March 20, 2008, the Examiner restricted between the following six inventions:

- I. Claims 62-90, 91-93, 123, 126, 127, 129 and 130 drawn to a kit, classified in class 604, subclass 19.
- II. Claims 91-93 drawn to a method, classified in class 604, subclass 501.
- III. Claims 94-110 drawn to a dermal patch, classified in class 604, subclass 20.
- IV. Claims 111-122 drawn to a dermal patch, classified in class 604, subclass 20.
- V. Claims 124 and 128 drawn to a dermal patch, classified in class 604, subclass 20.
- VI. Claim 125 drawn to a dermal patch, classified in class 604, subclass 20

In response to this restriction requirement, Applicants elect with traverse Group VI (Claim 125). New claims 131-161 should properly be included in Group VI, since they depend from claim 125 of Group VI.

Applicants traverse the restriction requirement at least on the ground that Groups I and II should be examined together. The Examiner defines Group II as a directed to claims 91-93. However, claims 91-93 are also included in the Group I. Thus, this is not a proper restriction.

Applicants also traverse the restriction requirement at least on the ground that Groups III and IV, V and VI should be examined together. These groups are all directed to a dermal patch. Claim 94 (Group III) and claim 111 (Group IV) are both directed to a dermal patch comprising a least two electrodes, a power source, and retainer. The Examiner states that Groups III and IV are related as subcombinations disclosed as usable together, however this requires that the claims do not overlap in scope. Claim 124 and 125 are both directed to a dermal patch comprising a power source and at least two electrodes.

For these reasons, Applicants request reconsideration of the restriction requirement.

Conclusion

Although no fees are believed to be due, the Office may charge any additional fees required under 37 C.F.R. § 1.16 or § 1.17, or credit any overpayments, to Deposit Account No. 11-0600. The Examiner is invited to contact the undersigned at 202-220-4200 to discuss any matter regarding this application.

Respectfully submitted,

KENYON & KENYON LLP

Dated: April 18, 2008

/Jocelyn D. Ram

Jocelyn D. Ram

Reg. No. 54,898

KENYON & KENYON LLP
1500 K Street, N.W. - Suite 700
Washington, D.C. 20005-1257
Tel: (202) 220-4200
Fax: (202) 220-4201